

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1, 5-12 and 16-22 are currently pending in the application. Claims 1 and 12 are amended by the present amendment. Support for amended independent Claims 1 and 12 can be found in the original specification, claims and drawings.¹ No new matter is presented.

In the outstanding Official Action, Claims 1, 5, 7-10, 12, 16 and 18-21 were rejected under 35 U.S.C. § 103(a) as unpatentable over Wakatsuki (U.S. Patent 6,792,450) in view of Yoon et al. (U.S. Patent No. 6,628,971, hereinafter "Yoon"); Claims 6 and 17 were rejected under 35 U.S.C. § 103(a) as unpatentable over Wakatsuki in view of Yoon and Hubbe et al. (U.S. Patent No. 6,667,748, hereinafter "Hubbe"); and Claims 11 and 22 were rejected under 35 U.S.C. § 103(a) as unpatentable over Wakatsuki in view of Yoon and Fogarty (U.S. Patent 6,311,180).

Amended independent Claim 1 recites, *inter alia*, a method for providing a background image for a display of a communication device, comprising the steps of:

- a) automatically selecting background images to be displayed, from said stored background images, according to pre-set parameters received from a base station;
- b) retrieving the data of said automatically selected background images from said memory, ***wherein said preset parameters are received independent from the storing and retrieving of said data of said background images***; and
- c) displaying said retrieved background images in sequence as defined by said pre-set parameters on said display of said mobile telephone. (emphasis added)

Independent Claim 12, while directed to a "communication device," is amended to recite substantially similar features. Accordingly, the arguments presented below are applicable to both amended independent Claims 1 and 12.

¹ e.g., specification, p. 6.

The Official Action rejected Claims 1, 5, 7-10, 12, 16 and 18-21 under 35 U.S.C. § 103(a) as unpatentable over Wakatsuki in view of Yoon. The Official Action cites Wakatsuki as disclosing the Applicants invention, but admits that the reference fails to teach the retrieval and display of background images. The Official Action cites Yoon as disclosing this feature and states that it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the cited references to arrive at Applicant's claims. Applicants respectfully submit that independent Claims 1 and 12, as amended, recite novel features clearly not taught or rendered obvious by the applied references.

Turning to the applied references, Wakatsuki describes the display of electronic comic data comprising a plurality of still pictures on a mobile phone.² The still pictures are downloaded into a memory of the mobile phone and are displayed one-by-one, and page data is transmitted together with the still pictures when the still pictures are downloaded into the electronic memory of the mobile phone.³

As admitted in the Official Action, however, Wakatsuki fails to teach or suggest the display of background images. Further, Wakatsuki only describes the downloading and transmission of the still pictures in combination with the page data, which is linked to the still pictures. In contrast, amended Claim 1 recites "automatically selecting background images to be displayed ...according to pre-set parameters received from a base station," and "retrieving the data of said automatically selected background images from said memory, *wherein said preset parameters are received independent from the storing and retrieving of said data of said background images.*"

According, the present claims clearly recite that the background images to be displayed are decoupled from the control data, which controls the display of such images.

² Wakatsuki, Abstract.

³ Id., col. 3, lines 24-28, and col. 5, lines 41-44.

Thus, the claimed configuration provides a flexible method for providing background images, which is neither taught, nor rendered obvious, by Wakatsuki.

Further, Yoon only describes the display of a background image in a mobile telephone, but fails to teach or suggest if and/or how pre-set parameters are received which control the display of background images in sequence, as recited in amended independent Claim 1.

Therefore, neither Wakatsuki, nor Yoon teach or suggest “automatically selecting background images to be displayed ...according to pre-set parameters received from a base station,” and “retrieving the data of said automatically selected background images from said memory, *wherein said preset parameters are received independent from the storing and retrieving of said data of said background images*,” as recited in independent Claim 1.

Accordingly, Applicants respectfully request that the rejection of Claims 1 and 12 under 35 U.S.C. § 103(a) be withdrawn.

As discussed above, Wakatsuki neither alone, nor in combination with Yoon teach or suggest the above differentiated features recited in amended independent Claims 1 and 12. Likewise, neither Hubbe nor Fogarty remedy this deficiency, therefore, none of the cited references, neither alone nor in combination, teach or suggest Applicants Claims 6, 11, 17 and 22 which include the above distinguished features by virtue of dependency.

Accordingly, Applicants respectfully request that the rejection of Claims 6, 11, 17 and 22 under 35 U.S.C. § 103 be withdrawn.

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 1, 5-12 and 16-22 is patentably distinguishing over the applied references. The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of the application is therefore requested.

Respectfully submitted,

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